

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APR 14 P 3.05

USAMAH CARSWELL,

Plaintiff,

Y

CASE NO. 2:09-CV-11202
HONORABLE ARTHUR J. TARNOW

DENISE GERTH.

Defendant.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Plaintiff Usamah Carswell's *pro se* "criminal" complaint" which this Court construes as a civil rights complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner currently confined at the Macomb Correctional Facility in New Haven, Michigan. The actions giving rise to the complaint occurred while he was confined at the Alger Maximum Correctional Facility in Munising, Michigan. Specifically, Plaintiff asserts that the named defendant, Denise Gerth, an employee at Alger, falsified several misconduct reports against him in retaliation for filing a criminal complaint and grievance.¹

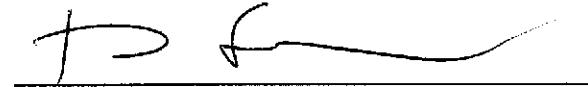
The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a

¹Plaintiff also seems to complain of actions by other Alger employees in the documents attached to his complaint, but does not name those individuals as defendants in this action. Any claims against those employees are nonetheless subject to transfer for the reasons stated herein.

substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. Defendant Denise Gerth resides in Alger County for purposes of the present complaint. Alger County lies in the Northern Division of the Western District of Michigan. *See* 28 U.S.C. § 102(b).

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. 28 U.S.C. §§ 1391(b) and 1404(a).



R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 13, 2009